

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
JASPER DIVISION**

**TROY WAYNE CHILDERS,**

**Petitioner,**

**v.**

**FREDDY BUTLER; et al.,**

**Respondents.**

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**Case No.: 6:13-cv-00849-RDP**


**ORDER**

On July 29, 2016, the magistrate judge entered a Report and Recommendation (Doc. 16), recommending that this petition for *habeas corpus* relief filed pursuant to 28 U.S.C. § 2254 be denied and dismissed as second or successive under 28 U.S.C. § 244(b)(4). Petitioner filed an objection on August 8, 2016, stating that he will request from the Eleventh Circuit a certificate of appealability.

After careful consideration of the record in this case and the magistrate judge's Report and Recommendation, the court hereby **ADOPTS** the report of the magistrate judge and **ACCEPTS** his recommendations. Consequently, the petition for writ of *habeas corpus* filed pursuant to 28 U.S.C. § 2254 in the above-styled case is due to be, and hereby is **DENIED** and is **DISMISSED WITHOUT PREJUDICE**.

If Petitioner obtains from the Eleventh Circuit a certificate of appealability, he may file notice of that and re-present this habeas action.

**DONE** and **ORDERED** this August 9, 2016.

  
**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE